



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
(203) 797-4525  
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**MINUTES**  
**JANUARY 12, 2010**

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The meeting was called to order by Chairman Ted Farah at 7:30 PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Richard P. Jowdy, Alan Kovacs, Robert Melillo, Gary Renz, Terry Tierney, Ted Farah and Alternates Elmer Palma, Thomas Spegnolo and Patrick Venuti. Also present was Planning Director Dennis Elpern.

Absent was Walter Hoo.

Mr. Melillo led the Commission in the Pledge of Allegiance.

Chairman Farah said they would table the acceptance of the November 10, 2009 minutes until the next meeting.

Chairman Farah appointed Mr. Spegnolo to take Mr. Hoo's place for the items on tonight's agenda.

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ORGANIZATIONAL BUSINESS

NOMINATION OF CHAIRMAN AND VICE-CHAIRMAN

Since Mr. Hoo had not yet arrived, Chairman Farah asked the secretary to telephone him and see if he was on his way. When the secretary returned, she said there was no answer at Mr. Hoo's house, so she had left a message on his machine. Chairman Farah said they would table this until later in the meeting because they should have all of the regular members present for this vote.

DISTRIBUTION OF ZONING REGULATIONS, PLAN OF CONSERVATION & DEVELOPMENT AND ZONING MAPS.

Chairman Farah said that the secretary distributed all of these as well as the by-laws at the beginning of tonight's meeting.

SETTING OF EFFECTIVE DATE FOR APPROVALS GRANTED BY THE COMMISSION.

Chairman Farah said for the past four years this Commission has had their decisions become effective upon publication in the newspaper. Mr. Melillo made a motion to continue with this policy to have the decisions become effective upon their publication. Mr. Jowdy seconded the motion and it was passed with one NAY from Mr. Di Caprio.

APPOINTMENT OF ZBA SUBCOMMITTEE – THREE MEMBERS.

Chairman Farah said they need three regular members to review referrals from the Zoning Board of Appeals, visit the site and report back to the Commission so they can make a recommendation. He asked for volunteers and Mr. DiCaprio, Mr. Jowdy and Mr. Kovacs said they would do it.

DISCUSSION OF PROCEDURES WITH PLANNING DIRECTOR.

Dennis Elpern reviewed a memo that he wrote to the Commission about procedures and said that all members have been provided with copies of the Zoning Regulations, the Plan of Conservation & Development, and a Zoning Map. He said it is of utmost importance that members bring their Zoning Regulations to the meetings, especially when they are looking at amendments to the Regulations. He explained how the Plan of Conservation & Development is the guide for all development in the City. He described how the actions of this Commission are directed by the CT General Statutes, case law, the United States Constitution and at times, the City Code of Ordinances. He briefly described meeting procedures and Robert's Rules of Order. He explained about when and why they would need to hold an Executive Session, how the Plan of Conservation & Development fits into their decisions and exactly what spot zoning is. He said attendance is very important, and defined ex-parte communications and conflict of Interest issues. He said that the Commission members should always feel free to contact the office with any questions or concerns either by e-mail or by telephone, adding that it is always better to ask the questions before the meeting so if we need to get Corporation Counsel involved, there is enough time. He quickly went over an outline of the Zoning Regulations and again reiterated how important it is for them to become familiar with them.

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PUBLIC HEARING:

8:15 PM – Petition of Giovanni Novo d/b/a Pembroke Wine & Liquor for a Special Permit for Package Store at 56 Padanaram Rd. (#H09078).

Chairman Farah read the legal notice. Giovanni Novo spoke in favor of this petition. He said this is a store in a shopping center on Padanaram Rd. Mr. Melillo asked him if he was related to the people that run the Novo Package Store on Rose Hill Ave. Mr. Novo said that is his store also, this would be a second store. Mr. DiCaprio asked where in this strip center his store will be located. Mr. Novo said it is right in the middle of the strip. Mr. Novo then said he had submitted a plan done by Syd Rapp Surveying to prove that he is the proper distance from any other package stores, as well as from churches, schools and institutions. The map was passed around for the Commission members to look at. It was noted that it is well over 2,000 ft. to either Northridge Wines & Liquor at 5 Padanaram Rd. and Pembroke Package Store at 7 Pembroke Rd.

Chairman Farah asked if there was anyone to speak in opposition to this and there was no one.

Chairman Farah then asked Mr. Elpern for staff comments. Mr. Elpern said in order for them approve this they must find that this complies with the criteria listed in Sec. 3.F.2.: (1) the proximity of such premises or buildings will not have a detrimental effect upon any church, school, convent, or charitable institution; and, (2) the location of such premises or building will not have a detrimental effect upon the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood. He said the Regulations also give the Commission the power to impose conditions on an approval to ensure compliance with the Regulations. He said the only other criteria that must be satisfied is to demonstrate that the proposed location is at least 2,000 ft. from another package store and at least 500 ft. from any church, school or charitable institution, and this has already been addressed by the map that the applicant had prepared by Syd Rapp, LS.

Mr. Melillo made a motion to close the public hearing. Mr. DiCaprio seconded the motion and it was passed unanimously. Mr. DiCaprio made a motion to move this matter to number one under the Old Business on tonight's agenda. Mr. Jowdy seconded the motion and it was passed unanimously

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NEW BUSINESS:

Petition of The Windmere LLC, 44 Old Ridgebury Rd. (#C16006) for Change of Zone from IL-40 to RMF-4. Zoning Commission public hearing scheduled for January 26, 2010.

Court Mandated re-hearing of the 2007 Petition of Cioffoletti Construction Co, Inc., Shelter Rock Rd./Parcels A & B a/k/a 18 Plumtrees Rd. (#L13121 & #L13122) for Change of Zone from IG-80 to RMF. Public hearing scheduled for February 9, 2010.

Petition of All Granite & Marble Corp. to Amend Sec. 5.B.2.a. & 5.B.4. of the Zoning Regulations. Public hearing scheduled for February 9, 2010.

Chairman Farah said they need a motion to refer these to the Planning Commission. Mr. Melillo made the motion to refer these three petitions to the Planning Commission in accordance with Sec. 8-3a of the CT General Statutes. Mr. Kovacs seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Giovanni Novo d/b/a Pembroke Wine & Liquor for a Special Permit for Package Store at 56 Padanaram Rd. (#H09078).

Chairman Farah asked if anyone had any comments on this petition. Mr. Spegnolo made a motion to approve this because it complies with the requirements listed in the Regulations. Mr. DiCaprio seconded the motion and added that it does not conflict with the health, safety or general welfare of the community. Mr. Elpern suggested they add a condition that the entrance to this package store be specifically located in front of the store as shown on the map submitted with this petition. Mr. Spegnolo and Mr. DiCaprio agreed with the condition as suggested by Mr. Elpern. Chairman Farah asked if there was any discussion on this motion and hearing none, he called the vote. The motion was passed unanimously with nine AYES (from Mr. DiCaprio, Mr. Haddad, Mr. Jowdy, Mr. Kovacs, Mr. Melillo, Mr. Renz, Mr. Tierney, Mr. Spegnolo and Chairman Farah).

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ORGANIZATIONAL BUSINESS

NOMINATION OF CHAIRMAN AND VICE-CHAIRMAN

Chairman Farah said they had tabled this earlier in tonight's meeting, hoping for the arrival of Mr. Hoo, but since he had not shown, they would go ahead with this with only eight regular members present. He then asked for nominations for the position of Chairman. Mr. Haddad nominated Mr. Melillo. Mr. Tierney seconded the motion. Chairman Farah asked if there were any other nominations and there were none. Mr. Jowdy made a motion to close the nominations for Chairman. Mr. Kovacs seconded the motion and it was passed unanimously. Chairman Farah did a roll call vote for the position of Chairman and Mr. Melillo was elected with eight AYES (from Mr. DiCaprio, Mr. Haddad, Mr. Jowdy, Mr. Kovacs, Mr. Renz, Mr. Tierney, Chairman Farah and Mr. Melillo).

Chairman Farah turned the Chair over to Mr. Melillo. Chairman Melillo took a moment of personal privilege and thanked the Commission for electing him. He then asked for nominations for the position of Vice-Chairman. Mr. Jowdy nominated Mr. Haddad. Mr. DiCaprio seconded the motion. Chairman Melillo asked if there were any other nominations and there were none. Mr. DiCaprio made a motion to close the nominations for Vice-Chairman. Mr. Jowdy seconded the motion and it was passed unanimously. Chairman Melillo did a roll call vote for position of Vice-Chairman and Mr. Haddad was elected with eight AYES (from Mr. DiCaprio, Mr. Farah, Mr. Jowdy, Mr. Kovacs, Mr. Renz, Mr. Tierney, Mr. Haddad and Chairman Melillo).

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Chairman Melillo said everyone should have received a schedule of regular meetings for 2010 which is listed under the Correspondence on tonight's agenda. He asked if anyone had anything to discuss under other matters and Mr. Farah said he wanted to thank everyone for the last two years and allowing him to be Chairman. He added that he is looking forward to serving with all of the members and working with the new Chairman. Chairman Melillo thanked him and said he too is looking forward to the next two years.

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Chairman Melillo said there is one item listed under For Reference Only that will be heard at the next regular meeting along with the first zone change petition that was listed under New Business.

At 9:15 PM, Mr. DiCaprio made a motion to adjourn. Mr. Spegnolo seconded the motion and it was passed unanimously.